

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

David Mills Becker,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Robert Erlandson, et. al.,)	Case No. 1:13-cv-117
)	
Defendants.)	

The trial in this case was originally scheduled to commence on February 16, 2016. However, the court cancelled the trial on it own motion to ensure there was ample time for consideration of any dispositive motions filed by the parties. (Docket No. 31).

On November 20, 2015, defendants filed a Motion for Summary Judgment. On January 21, 2016, plaintiff filed a response to defendants' motion. In addition, he filed a "Motion for Order for Testimony of Plaintiff" in which requested "the court to order the North Dakota State Penitentiary to bring [him] before the court for testimony" (Docket No. 41).

Plaintiff's motion (Docket No. 41) is **DENIED** without prejudice as there is no trial scheduled at this time. The court shall reschedule the trial as necessary once it has disposed of defendants' Motion for Summary Judgment and in so doing address plaintiff's concerns regarding his ability to appear/participate.

IT IS SO ORDERED.

Dated this 22nd day of January, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court